

REMARKS

In a final office action dated 1 June 2004, the Examiner rejects Claims 1,3-9, and 11- 14 (All pending claims). In response to the final office action, Applicants amend claim 3, cancel claim 4 and 12, and respectfully traverse the rejections. Claims 1,3, 5-10, 11, and 13-14 remain in the application. In light of the following arguments, Applicants respectfully request that this application be allowed.

Applicants have amended claim 3 to correct the antecedent problem in claim 3. Thus, Applicants respectfully request the 35 U.S.C. §112 rejection be removed.

Claim 1 and are reject under 35 U.S.C. § 103 (a) as being obvious from U.S. Patent No. 5,689,566 issued to Nguyen (Nguyen) in view of Active Reliable Multicast, Li-wei H. Lehman, Stephan J. Garland, and David L. Tennerhouse, IEEE, 1998. In order to maintain a rejection the Examiner has the burden of providing evidence of prima facie obviousness. See MPEP §2143. See also In Re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). In order to prove prima facie obviousness, the Examiner must provide evidence in the prior art of a motivation to combine or modify a reference, a reasonable expectation of success, and a teaching of each and every claimed element. Id. The Examiner has failed to teach each and every claimed element and provided to evidence of a motivation to combine the references.

Claim 1 recites “if there is a new connection through said router, creating a unique connection identifier for said new connection.” Nguyen, Lehman, and the combination

of Lehman and Nguyen do not teach this limitation. An identifier is something that names or identify a thing. This is obvious as the next element of the claim 1 recites “storing a base layer with the unique identifier. From these limitations it is obvious that the identifier is meant to be an easy way to recognize the stored data. Ngyuen does not teach creating an identifier. In the office action the Examiner asserts that creating an identifier is taught by Nguyen at Col.7, lines 36-38, 43-44. However, this section teaches that a request router searches a local list for a communication handle and if the handle is not in the list, the request server obtains the handle from the requestor. Nguyen defines a communication handle as containing information of read and write tokens and their associated resources. See Col. 7, lines 38-40. Thus, a communication is much more than an identifier as it contains the information about the connection. Furthermore, creation of the communication handle is not taught. Instead, the cited passage teaches receiving an already created handle from either a memory or another device. Elsewhere in the office action, the Examiner asserts that creating a unique identifier is taught by Col. 5, lines 7-8 of Nguyen. The cited passage teaches generation of an encryption key. An encryption key is not an identifier. The encryption key is unique data that is used as a source for algorithms to encrypt and decrypt data. Applicants have read the entirety of the Nguyen reference and have found no part of the reference that teaches creating an identifier for stored data.

Likewise, Lehman does not teach the creating of a unique identifier as recited by claim 1. Lehman is teaching a system for providing multicast broadcasts. The Lehman

reference does teach storing packets for rebroadcast. Lehman does not teach anything about storing connection information about connections between devices. Lehman deals with only with the transmission of packets and is silent about maintaining connections. However, Lehman does not teach creating a unique identifier in the packet. Instead, a sequence number and other information in the header of a packet is used to store and retrieve the packet in Lehman. Thus, Lehman does not teach the creation of a unique identifier for a connection. Thus, Lehman does not teach the creation of a unique identifier as recited in a claim 1.

Since neither Nguyen nor Lehman teaches the step of creating a unique identifier, the combination of the references does not teach this limitation. Thus, the Examiner has failed to provide a teaching of each and every claimed element. Therefore, Applicants respectfully request the rejection to claim 1 be removed.

Even if Nguyen and Lehman could be combined to perform in the manner stated by the Examiner, the Examiner has provided no motivation to do so as required by case law and the MPEP. See MPEP §2143. The Examiner is reminded that for a combination to be proper the proposed modification or combination cannot change the principle mode of operation of reference. See MPEP §2143.01. See also In re Ratti, 270 F2d. 810 (CCPA 1959). In this case the combination changes the mode of operation of Lehman. Lehman deals with the transfer of packets. The fourth complete paragraph states that Lehman bases recovery on the ability to retransmit packets and works even during router

failures. There is no reliance on error recovery of a particular router or node. Thus, by providing a method for connection recovery in a router you are changing the mode of operation of Lehman.

Furthermore, Nguyen teaches a system for providing a three way password for secure communication sessions over a network and does not deal with a method for storing connection information and recovery of the connection information. Thus, the storing and use of connection information is outside of the mode of operation of Nguyen. For these reasons, the Examiner has failed to provide evidence of a proper motivation to combine and the 35 U.S.C. §103(a) rejection must be removed.

Claims 2-3 are dependent from claim 1 and allowable for at least the same reasons as claim 1. Thus, the rejections of claims 2-3 are moot and must be removed for at least the same reasons as claim 1.

Claim 9 recites a device that stores instructions of the method recited in claim 1. Therefore, claim 9 is allowable for at least the same reasons as claim 1. Thus, Applicants respectfully request the rejection of claim 9 be removed and claim 9 be allowed.

Claims 10-11 are dependent from claim 9 and allowable for at least the same reasons as claim 9. Thus, the rejections of claims 10-11 are moot and must be removed for at least the same reasons as claim 9.

The Examiner rejects claim 5 under 35 U.S.C. §102 (b) as being unpatentable over Nguyen (U.S. Patent No. 5,689,566). To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), cert. denied, 484 U.S. 1007 (1988). Moreover, the single source must disclose all of the claimed elements “arranged as in the claim.” *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). The test for anticipation is symmetrical to the test for infringement and has been stated as: “That which would literally infringe [a claim] if later in time anticipates if earlier than the date of invention.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *Connell v. Sears Roebuck & Co.*, 722 F.2d 1542, 1548, 220 U.S.P.Q. 1931, 1938 (Fed. Cir. 1983).

Claim 5 recites “creating a unique connection identifier corresponding to each at least one connection through the router.” Nguyen does not teach this limitation. An identifier is something that names or identifies a thing. This is obvious as the next element of claims recites “storing a base layer with the unique identifier. From these limitations it is obvious that the identifier is meant to be an easy way to recognize the stored data. Ngyuen does not teach creating an identifier. In the office action the Examiner asserts that creating a unique identifier is taught by Col. 5, lines 7-8 of a Nguyen. The cited passage teaches generation of an encryption key. An encryption key is not an identifier. The encryption key is unique data that is used as a source for algorithms

to encrypt and decrypt data. Instead, the cited passage teaches receiving an already created handle from either a memory or another device. Elsewhere in the office action, the Examiner asserts that creating an identifier is taught by Nguyen at Col.7, lines 36-38, 43-44. However, this section teaches that a request router searches a local list for a communication handle and if the handle is not in the list, the request server obtains the handle from the requestor. Nguyen defines a communication handle as containing information of read and write tokens and their associated resources. See Col. 7, lines 38-40. Thus, a communication is much more than an identifier as it contains the information about the connection. Furthermore, creation of the communication handle is not taught. Applicants have read the entirety of the Nguyen reference and have found no part of the reference that teaches creating an identifier for stored data. Therefore, applicants respectfully request that the rejection of claim 5 be removed.

Claim 6 is dependent upon claim 5. Therefore claim 6 is allowable as being dependent upon an allowable claim. The rejection of claim 6 is moot. Thus, Applicants respectfully request the rejection of claim 6 be removed and claim 6 be allowed.

Claim 7 recites a firewall application that performs the operation of creating a unique identifier as recited in claim 5. Thus, claim 7 is allowable for at least the same reasons as claim 7. Therefore Applicant respectfully request rejection of claim 7 be removed and claim 7 be allowed.

Claim 8 is dependent upon claim 7. Therefore claim 8 is allowable as being dependent upon an allowable claim. The rejection of claim 8 is moot. Thus, Applicants respectfully request the rejection of claim 8 be removed and claim 8 be allowed.

Claim 13 recites a device that stores instructions of the method recited in claim 5. Therefore, claim 13 is allowable for at least the same reasons as claim 5. Thus, Applicants respectfully request the rejection of claim 13 be removed and claim 13 be allowed.

Claim 14 is dependent from claim 13 and allowable for at least the same reasons as claim 13. Thus, the rejection of claim 14 is moot and must be removed for at least the same reasons as claim 13.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Respectfully submitted,
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